

(7) in paragraph (2)(A)(ii) by striking "have made" and inserting in lieu thereof "except as specifically provided otherwise in the regulations described in clause (i), include".

SEC. 2202. (a) Section 12102(c) of title 46, United States Code, as amended by section 202(a) of the American Fisheries Act (46 U.S.C. 12102 note), is amended—

(1) in paragraph (2)(B) by striking "or the use" and all that follows in such paragraph and inserting in lieu thereof "or the exercise of rights under loan or mortgage covenants by a mortgagee eligible to be a preferred mortgagee under section 31322(a) of this title, provided that a mortgagee not eligible to own a vessel with a fishery endorsement may only operate such a vessel to the extent necessary for the immediate safety of the vessel or for repairs, drydocking or berthing changes."; and

(2) by striking paragraph (4) and renumbering the remaining paragraph accordingly.

(b) Section 31322(a)(4) of title 46, United States Code, as amended by section 202(b) of the American Fisheries Act (Public Law 105-277, Division C, Title II) is amended by striking paragraph (4)(B) and all that follows in such paragraph and inserting in lieu thereof the following:

"(B) a state or federally chartered financial institution that is insured by the Federal Deposit Insurance Corporation;

"(C) a farm credit lender established under Title 12, Chapter 23 of the United States Code;

"(D) a commercial fishing and agriculture bank established pursuant to State law;

"(E) a commercial lender organized under the laws of the United States or of a State and eligible to own a vessel under section 12102(a) of this title; or

"(F) a mortgage trustee under subsection (f) of this section."

(c) Section 31322 of title 46, United States Code is amended by adding at the end the following new subsections:

"(f)(1) A mortgage trustee may hold in trust, for an individual or entity, an instrument or evidence of indebtedness, secured by a mortgage of the vessel to the mortgage trustee, provided that the mortgage trustee—

"(A) is eligible to be a preferred mortgagee under subsection (a)(4), subparagraphs (A)–(E) of this section;

"(B) is organized as a corporation, and is doing business, under the laws of the United States or of a State;

"(C) is authorized under those laws to exercise corporate trust powers;

"(D) is subject to supervision or examination by an official of the United States Government or a State;

"(E) has a combined capital and surplus (as stated in its most recent published report of condition) of at least \$3,000,000; and

"(F) meets any other requirements prescribed by the Secretary.

"(2) If the beneficiary under the trust arrangement is not a commercial lender, a lender syndicate or eligible to be a preferred mortgagee under subsection (a)(4), subparagraphs (A)–(E) of this section, the Secretary must determine that the issuance, assignment, transfer, or trust arrangement does not result in an impermissible transfer of control of the vessel to a person not eligible to own a vessel with a fishery endorsement under section 12102(c) of this title.

"(3) A vessel with a fishery endorsement may be operated by a mortgage trustee only with the approval of the Secretary.

"(4) A right under a mortgage of a vessel with a fishery endorsement may be issued, assigned, or transferred to a person not eligible to be a mortgagee of that vessel under this section only with the approval of the Secretary.

"(5) The issuance, assignment, or transfer of an instrument or evidence of indebtedness contrary to this subsection is voidable by the Secretary.

"(g) For purposes of this section a 'commercial lender' means an entity primarily engaged in

the business of lending and other financing transactions with a loan portfolio in excess of \$100,000,000, of which not more than 50 per centum in dollar amount consists of loans to borrowers in the commercial fishing industry, as certified to the Secretary by such lender.

"(h) For purposes of this section a 'lender syndicate' means an arrangement established for the combined extension of credit of not less than \$20,000,000 made up of four or more entities that each have a beneficial interest, held through an agent, under a trust arrangement established pursuant to subsection (f), no one of which may exercise powers thereunder without the concurrence of at least one other unaffiliated beneficiary."

(d) Section 31322 of title 46, United States Code as amended in this section, and as amended by section 202(b) of the American Fisheries Act (Public Law 105-277, Division C, Title II) shall not take effect until April 1, 2003, nor shall the Secretary of Transportation, in determining whether a vessel owner complies with the requirements of section 12102(c) of title 46, United States Code, consider the citizenship status of a lender, in its capacity as a lender with respect to that vessel owner, until after April 1, 2003.

(e)(1) Section 213(g) of the American Fisheries Act (Public Law 105-277, Division C, Title II) is amended by—

(A) striking "October 1, 2001" both places it appears;

(B) striking "such date" and inserting in lieu thereof "or if the percentage of foreign ownership in the vessel is increased after the effective date of this subsection"; and

(C) striking "such vessel" the first time it appears and inserting "their ownership or mortgage interest in such vessel on that date" in lieu thereof.

(2) Section 213(g) of the American Fisheries Act (Public Law 105-277, Division C, Title II) shall take effect on the date of enactment of this Act.

SEC. 2203. (a) Section 20(a)(1) of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(F) to pay for small business development center grants as mandated or directed by Congress."

(b) Section 21(a)(4)(C)(v)(II) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(v)(II)), is amended by inserting "or accompanying report language," after "in appropriations Acts".

SEC. 2204. Section 633 of Public Law 106-553 is amended with respect to a grant of \$2,000,000 for Promesa Enterprises in the Bronx, New York, by inserting the words "financially or otherwise" after "to assist community-based businesses".

#### CHAPTER 3

#### DISTRICT OF COLUMBIA

#### FEDERAL FUNDS

#### FEDERAL PAYMENT TO THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

#### (INCLUDING TRANSFER OF FUNDS)

For a Federal contribution to the Chief Financial Officer of the District of Columbia for the Excel Institute Adult Education Program, \$1,000,000, of which \$250,000 shall be derived by transfer from the appropriation "Federal Payment for Plan to Simplify Employee Compensation Systems" in the District of Columbia Appropriations Act, 2001 (Public Law 106-522; 114 Stat. 2444).

#### DISTRICT OF COLUMBIA FUNDS

#### GOVERNMENTAL DIRECTION AND SUPPORT

#### (INCLUDING RESCISSION)

For an additional amount for "Governmental Direction and Support", \$5,400,000 from local funds for increases in natural gas costs.

Of the funds appropriated under this heading for the fiscal year ending September 30, 2001, in the District of Columbia Appropriations Act, 2001, approved November 22, 2000 (Public Law 106-522; 114 Stat. 2447), \$250,000 to simplify employee compensation systems are rescinded.

#### ECONOMIC DEVELOPMENT AND REGULATION

For an additional amount for "Economic Development and Regulation", \$1,000,000 from local funds for the implementation of the New Economy Transformation Act of 2000, (D.C. Act 13-543), and \$624,820 for the Department of Consumer and Regulatory Affairs for the purposes of D.C. Code, sec. 5-513: Provided, That the Department shall transfer all local funds resulting from the lapse of personnel vacancies, caused by transferring Department of Consumer and Regulatory Affairs employees into Neighborhood Stabilization Officer positions without the filling of the resultant vacancies, into the general fund, of these funds an amount not to exceed \$60,000 may be used to implement the provisions in D.C. Bill 13-646, the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, pertaining to the prevention of the demolition by neglect of historic properties: Provided further, That the fees established and collected pursuant to D.C. Bill 13-646 shall be identified, and an accounting provided, to the Committee on Consumer and Regulatory Affairs of the Council of the District of Columbia.

#### PUBLIC SAFETY AND JUSTICE

#### (INCLUDING RESCISSION)

For an additional amount for "Public Safety and Justice", \$8,901,000 from local funds to be allocated as follows: \$2,800,000 is for the Metropolitan Police Department of which \$800,000 is for the speed camera program and \$2,000,000 is for the Fraternal Order of Police arbitration award and the Fair Labor Standards Act liability; \$5,940,000 is for the Fire and Emergency Medical Services Department of which \$5,540,000 is for pre-tax payments for pension, health and life insurance premiums and \$400,000 is for the fifth fire fighter on trucks initiative; and \$161,000 is for the Child Fatality Review Committee established pursuant to the Child Fatality Review Committee Establishment Emergency Act of 2001 (D.C. Act 14-40) and the Child Fatality Review Committee Establishment Temporary Act of 2001 (D.C. Bill 14-165).

In addition, of all funds in the District of Columbia Antitrust Fund established pursuant to section 2 of the District of Columbia Antitrust Act of 1980 (D.C. Law 3-169; D.C. Code, sec. 28-4516) an amount not to exceed \$52,000, of all funds in the Antifraud Fund established pursuant to section 820 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec. 1-1188.20) an amount not to exceed \$5,500, and of all funds in the District of Columbia Consumer Protection Fund established pursuant to section 1402 of the District of Columbia Budget Support Act for Fiscal Year 2001 (D.C. Law 13-172; D.C. Code, sec. 28-3911) an amount not to exceed \$43,000, are hereby made available for the use of the Office of the Corporation Counsel of the District of Columbia until September 30, 2001, in accordance with the statutes that established these funds.

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2001, approved November 22, 2000 (Public Law 106-522), \$131,000 for Taricab Inspectors are rescinded.

#### PUBLIC EDUCATION SYSTEM

For an additional amount for "Public Education System", \$1,000,000 from local funds for the State Education Office for a census-type audit of the student enrollment of each District of Columbia Public School and of each public charter school and \$12,000,000 from local funds for the District of Columbia Public Schools to conduct the 2001 summer school session.